07.10.2026
Sl. No.5
sb
Ct. no. 5

Calcutta High Court
In the Circuit Bench at Jalpaiguri

CRR 377 of 2026
with
CRAN 1 of 2026

Sri Samiran Ghosh & Ors.
Vs.
The State of West Bengal & Anr.

Ms. Rima Sarkar
Ms. Sidhi Sethia
Ms. Suparna Paul
...for the petitioners

Mr. Bhaskar Das
...for the O.P. no. 2

Mr. Janardan Periwal
Ms. Ruchika Agarwala
Mr. Shyamal Barman ...for the State

In this application, the petitioners have prayed for quashment of the proceeding being G.R. case no. 2109 of 2023, presently pending before learned Judicial Magistrate, 1st Court, Siliguri.

Being aggrieved by the aforesaid proceeding, learned Counsel for the petitioners submits that on the basis of allegations made by the defacto-complainant, the instant proceeding was initiated under Sections 498A/354A/323 of the IPC read with Section 4 of the Dowry Prohibition Act.

Being aggrieved and dissatisfied with the initiation and continuation of the said proceeding, learned counsel for the

petitioners submits that the instant proceeding has been generated due to matrimonial discord, which is private in nature and no public policy is involved with the said proceeding. The allegations leveled in the FIR and the materials collected during investigation do not attract the ingredients of the offence under Sections 498A/354A/323 of the IPC against the petitioners.

However, the matter has been amicably settled between the parties and the matrimonial tie has already been dissolved by decree of divorce and after recording the same, the defacto-complainant and the petitioner have filed one connected application being CRAN 1 of 2026 in terms of the Memorandum of Understanding signed by both the parties. Therefore, the defacto-complainant has decided not to proceed further with the aforesaid criminal proceeding. Therefore, further continuance of the impugned proceeding against the petitioners would be mere abuse of process of the court.

Learned counsel for the opposite party no. 2 on instruction submits that the matter has been settled amicably and therefore, the defacto-complainant has decided not to support the imputations leveled against the petitioners and therefore, she also prayed for quashment of the impugned proceeding as also sought for by the petitioners.

Learned counsel for the State placed the case diary and leaves the aforesaid prayer made by the petitioners and the opposite party no. 2 to the discretion of the court.

I have gone through the materials collected during investigation and it appears that the allegations leveled against the petitioners are omnibus and general in nature. No specific overt act has been attributed against any of the petitioners. Moreover, the parties have amicably settled their dispute, which is basically private in nature and when the defacto-complainant has decided not to support the imputations leveled in the complaint then what will happen even if a façade trial is allowed to continue only on the ground that Section 498A of the IPC is a non-compoundable offence. Therefore, I find that this is a fit case where the proceeding is required to be quashed invoking this court's jurisdiction under Section 528 of the BNSS to secure the ends of justice.

In such view of the matter, CRR 377 of 2026 along with connected application being CRAN 1 of 2026 are allowed.

The impugned proceeding being G.R. case no. 2109 of 2023, presently pending before learned Judicial Magistrate, 1st Court, Siliguri is hereby quashed.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)